

TTAB

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6 Attorneys for Registrant and Respondent
7 THE STEPHEN RILEY AND TRACI GUNS
8 PARTNERSHIP

75 459197

9 **In the United States Patent and Trademark Office**
10 **Before the Trademark Trial and Appeal Board**

11 LA GUNS INTERNATIONAL LLC

12 Petitioner,

13 v.

14 STEPHEN RILEY AND TRACI
15 GUNS PARTNERSHIP

16 Respondent.

Cancellation No. 92050258
Registration No. 2287358

ANSWER TO PETITION FOR
CANCELLATION

17 Registrant and respondent THE STEPHEN RILEY AND TRACII GUNS
18 PARTNERSHIP ("Respondent") responds to the petition for cancellation ("Petition") of
19 petitioner LA GUNS INTERNATIONAL LLC as follows:

20 1. Answering the allegations contained in Paragraph 1 of the Petition,
21 Respondent denies the allegations contained in first sentence, and lacks sufficient
22 information or belief as to the truth or falsity of the averments contained in the second
23 sentence to respond to them, and on that ground, denies each and every allegation
24 contained in the second sentence of Paragraph 1.

25 2. Answering the allegations contained in Paragraph 2 of the Petition,
26 Respondent admits that the mark which is the subject of this cancellation proceeding, LA
27 GUNS (the "Mark") is derived from the name Tracii Guns, and denies every other
28 allegation contained there.



01-12-2009

1 3. Answering the allegations contained in Paragraph 3 of the Petition,
2 Respondent lacks sufficient information or belief to respond to allegations contained there,
3 and on that ground, denies each and every one of them.

4 4. Answering the allegations contained in Paragraph 4 of the Petition,
5 Respondent denies each and every one of them.

6 5. Answering the allegations contained in Paragraph 5 of the Petition,
7 Respondent denies each and every one of them, except that Respondent admits the
8 allegations contained in the first sentence.

9 6. Answering the allegations contained in Paragraph 6 of the Petition,
10 Respondent denies each and every one of them.

11 7. Answering the allegations contained in Paragraph 7 of the Petition,
12 Respondent denies each and every one of them.

13 8. Answering the allegations contained in Paragraph 8 of the Petition,
14 Respondent denies each and every one of them.

15
16 WHEREFORE, Respondent prays that Petitioner's Petition be denied, and that the
17 Mark remain registered by Respondent.

18
19 Respondent alleges the following affirmative defenses:
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21 **FIRST AFFIRMATIVE DEFENSE**

22 (Failure to State a Claim for Relief)

23 9. The Petition fails to state a claim upon which relief may be granted.
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25 **SECOND AFFIRMATIVE DEFENSE**

26 (No Likelihood of Confusion)

27 10. Respondent's use of the Mark is not likely to cause confusion, mistake, or
28 to deceive.

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THIRD AFFIRMATIVE DEFENSE

(Laches or Acquiescence by Failure of Petitioner to Object)

11. Petitioner's claim is barred by the doctrine of laches and acquiescence.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

12. Petitioner's claim is barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

(Lack of Standing)

13. Petitioner lacks standing to petition for cancellation.

SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

14. Petitioner's claim is barred by the applicable statute of limitations.

SEVENTH AFFIRMATIVE DEFENSE

(Partnership)

15. A member of Petitioner's limited liability company is or was a partner in Respondent's partnership.

Dated: January 7, 2009



S. MARTIN KELETI
Attorney for Applicant

1 **PROOF OF SERVICE**

2
3 State of California }
4 County of Los Angeles }

5 I, S. Martin Keleti, am employed in the aforesaid county, State of California; I am
6 over the age of 18 years and not a party to the within action; my business address is: 8430
Melrose Avenue, Los Angeles, California 90069-5420.

7 On January 7, 2009 I served the foregoing **ANSWER TO PETITION FOR**
8 **CANCELLATION** on all interested parties in this action by placing a true copy thereof,
enclosed in a sealed envelope, addressed as follows:

9 **LA GUNS INTERNATIONAL LLC**
10 **% Gabe Reed**
11 **3102 Maple Avenue #450**
12 **Dallas, Texas 75201**

13 I am readily familiar with the business' practice for the collection and processing
14 of correspondence for mailing with the United States Postal Service and the fact that the
15 correspondence would be deposited with the United States Postal Service that same day in
the ordinary course of business. On this date, the above referenced correspondence was
placed for deposit at Los Angeles, California and placed for collection and mailing
following ordinary business practices.

16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct.

18 Executed on January 7, 2009.

19 
20 _____
21 S. MARTIN KELETI

22 **CERTIFICATE OF MAILING**

23 I hereby certify that this paper is being deposited with the United States Postal
24 Service addressed to United States Patent and Trademark Office, Trademark Trial and
25 Appeal Board, Post Office Box 22313-1451, Arlington, Virginia 22313-1451.

26
27 Dated: January 7, 2009

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S. MARTIN KELETI